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UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

JUN - 5 2017

David J. Bradley, Clerk of Court

United States of America

v.

Robert Wayne Haney

Case No.

H17-0906

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 18, 2017 in the county of Fort Bend in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2251(a)

The production, receipt, distribution, and possession of child pornography.

18 U.S.C. § 2252A (a)(2)(B)

18 U.S.C. § 2252A (a)(5)(B)

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Michael T. Whitmire, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

June 5, 2017

City and state:

Houston, Texas

Judge's signature

Frances H. Stacy, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael T. Whitmire, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since January 2005. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.

3. An increasingly common method of file storage is known as “cloud storage.” In cloud storage, users upload their data to remote commercial servers. Each user is allocated a predetermined amount of storage and that storage is dedicated to a single user account. The storage space is typically accessed by entering a username or email address and a password.
4. Dropbox is a file hosting service headquartered in San Francisco, California, that offers cloud storage, file synchronization, and personal cloud and client software. Dropbox allows users to create a special folder on their computers, which Dropbox then synchronizes so that it appears to be the same folder (with the same contents) regardless of which device is used to view it. The content of said folder can be accessed by any Internet-connected device, such as a computer or smartphone.
5. On January 31, 2017, Dropbox, Inc. notified the National Center for Missing and Exploited Children that the Dropbox account associated with the email address `rwh042@gmail.com` contained 26 digital files of child pornography. The user of that account had logged on from IP address 73.155.50.197, which at that time was assigned to a specific address in Houston, Texas. This address was the residence of Robert Wayne Haney (hereafter “Haney”) which, at the time of the execution of the warrant, he shared with two adult females and two minor females. On April 18, 2017 your Affiant executed a federal search warrant at this address. During an onsite preview, images of child pornography were found on a cellular telephone owned by Haney and carried on his person. After being advised of his Miranda rights, Haney admitted to your Affiant that he had received and possessed child pornography for almost 20 years. Haney also

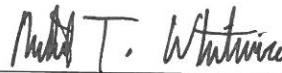
admitted to using the email account rwh042@gmail.com. Later that same day, a cellular telephone was recovered from Haney's workplace. Haney gave written consent to search that telephone. Additional images and videos of child pornography were found therein.

6. Your Affiant learned that a 13 year old child, Minor Victim 1, date of birth May 20, 2003, had lived in Haney's residence with Haney from approximately October 1, 2016 to January 28, 2017.
7. On April 3, 2017, your Affiant served a federal search warrant on Dropbox, Inc. asking for the complete digital contents of the account associated with rwh042@gmail.com. The results of this search warrant were received on May 12, 2017, and your Affiant completed his review of the material on May 31, 2017. The Dropbox account contained approximately 330 images and 540 videos of child pornography.
8. Within the Dropbox search warrant return were 16 video files. Each of the 16 filenames began with the nickname of Minor Victim 1. Three of the titles were "X.X. Jackoff Video 1 102916," "X.X. Pleasure Video 1 121216," and "X.X. Shower Time Video." The videos depict a minor child who is visually identical to Minor Victim 1. "X.X. Shower Time Video" shows Minor Victim 1 entering and exiting the shower naked, with his penis clearly seen. Multiple others of the 16 videos show Minor Victim 1 masturbating in a bedroom. These videos show Minor Victim 1 manually stimulating his penis and anus. All of the videos appear to have been taken by a hidden camera. "X.X. Jackoff Video Covers 121416" shows Minor Victim 1 masturbating with his penis exposed. At the end of the video, the camera is retrieved by an unidentified male whose face is not seen. "P.J. Pee Video 1" shows a young male urinating in a toilet. At the end of the video, after the male exits the bathroom, an adult male is seen retrieving the

camera. The camera pans upward and shows the face of Haney. Your Affiant returned to the searched residence and confirmed that the backgrounds seen in the videos were from the inside of that residence.

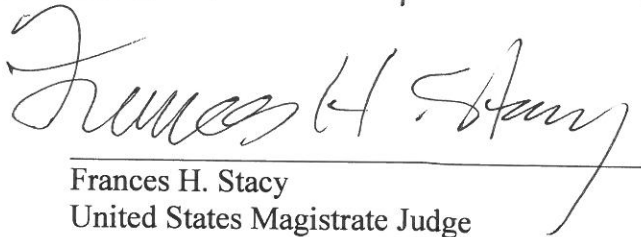
CONCLUSION

9. Based on all information set forth above, your Affiant believes there is probable cause to believe that on or about April 18, 2017, Robert Wayne Haney was in violation of Title 18 U.S.C. § 2251(a), 2252A (a)(2)(B) and 2252A (a)(5)(B)- the production, receipt, distribution, and possession of child pornography.



Michael T. Whitmire, Special Agent, FBI

Subscribed and sworn before me this 5 day of June 2017, and I find *probable cause.*


Frances H. Stacy
United States Magistrate Judge